

**Notice of Allowability**

Application No.

10/764,745

Applicant(s)

STAMM ET AL.

Examiner

Art Unit

Eric Woods

2628

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 4/12/2006.
2. ☒ The allowed claim(s) is/are 1-12 and 14-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION*****Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 April 2006 has been entered.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 4/10/2006 was filed after the mailing date of the Final Rejection on 1/4/2006 but accompanied the filing of a RCE/CPA as set forth by 37 CFR 1.114. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

***Response to Arguments***

Applicant's arguments, see Remarks pages 1-5 and claim amendments, filed 12 April 2006, with respect to the rejection(s) of claim(s) 1-24 under 35 USC 103(a) have been fully considered and are persuasive.

Claim 13 was canceled.

Claim 25 was added.

Therefore, the rejection of claims 1-24 under 35 USC 103(a) has been withdrawn in view of applicant's amendments that distinguish over the

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Bauermeister reference and the clarifying Remarks (pages 2-4)(see also Interview summary).

Preambles are not given patentable weight.

Based on the interview summary, examiner is construing the terms “fully internally constrained” to mean that the font file must contain all constraints within the file itself (e.g. a unitary file format), since obviously the system deals with a font **file** (that is, the description of the font file makes it clear that the actual file itself must be fully internally constrained, such that even given that ‘a’ can be read as ‘one or more’ (cf. Scanner Technologies Corp. v. ICOS Vision Systems Corp., 70 USPQ2d 1900 (CA FC 2004)), **each** file must be regarded as a separate instance of a font that is fully internally constrained in the sense defined above). This is entirely consistent with both the applicant’s specification, and the discussion during the interview.

#### **EXAMINER’S AMENDMENT**

An examiner’s amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner’s amendment was given in a telephone interview with Jens Jenkins (44,803) on August 25, 2006.

In the claims:

In claim 1,

Line 15, delete “**a font file for**”

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Line 20, insert **"and"** at the end of the line

Line 22, delete **—.** and insert **"on a display device."**

In claim 19,

Line 5, insert **"physical"** before "computer-readable"

Line 18, delete **"a font file for"**

Line 22, insert **"and"** at the end of the line

Line 24, delete **—.** and insert **"on a display device."**

In claim 20,

Line 3, insert **"physical"** before "computer-readable"

Line 17, delete **"a font file for"**

Line 21, insert **"and"** at the end of the line

Line 23, delete **—.** and insert **"on a display device."**

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The concept of synthesizing a new font variant to take the place of a variant that is inaccessible or otherwise not present is fairly well known in the art. However, the prior art located by examiner does not appear to show this being done where a single file format is used to generate scaled font variants with only the application of an external parameter, where such a single file format contains all necessary constraints for rendering all glyphs. Further, such art does not appear to teach that the hints are preserved (e.g. Rappoport).

In short, the notion of using a **fully internally constrained** unitary file to synthesize such variants based on an external parameter where the hints are

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preserved, only in the context of doing such after a determination that a requested font variant is inaccessible, appears to be novel and non-obvious in the view of the prior art of record. [Reasons that such a file would have to be unitary are entirely supported in applicant's Remarks].

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Woods whose telephone number is 571-272-7775. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Woods

August 26, 2006

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER